



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,475	10/15/1999	BARRY MARKWITZ	6002-11	1318

21324 7590 12/02/2002

HAHN LOESER & PARKS, LLP  
TWIN OAKS ESTATE  
1225 W. MARKET STREET  
AKRON, OH 44313

EXAMINER
----------

TSAI, CAROL S W

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/419,475

Applicant(s)

MARKWITZ ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-29 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-29, and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14, 17-29, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,078,255 to Dividock et al.

Dividock et al. disclose a computerized method of monitoring and evaluating guard patrols of one or more sites (see Abstract, lines 1-23), comprising the steps of: defining at least one checkpoint to identify at least one location (business location #1 70A, business location #2 70B, and business location #3 70C shown on Fig. 3) to be patrolled; defining at least one patrol detail record on a computer readable medium (central computer 25 shown on Fig. 8) to structure

Art Unit: 2857

information related to at least one location to be patrolled (see col. 8, lines 15-43); and detecting the information obtained from the guard patrol (see col. 4, lines 20-61; col. 5, lines 10-18; col. 6, lines 4-33; and col. 8, line 44 to col. 9, line 8); reading the information upon detection and storing the information within at least one patrol detail record (see col. 3, line 59 to col. 4, line 9; col. 4, lines 26-28; col. 6, lines 34-43; and col. 10, lines 51-55); and using the information to monitor the progress and evaluate the thoroughness of guard patrols (see col. 6, line 43 to col. 7, line 67).

As to claim 4, Dividock et al. also disclose a downloader sense (LED display 34 shown on Fig. 2) that a reader has been inserted within the downloader (downloading cradle 20 shown on Fig. 2), the downloader signaling a general purpose computer that the downloader is ready to transfer information from a reader (see col. 6, lines 44-63 and col. 7, lines 7-20).

As to claim 5, Dividock et al. also disclose receiving reader information from the downloader via a communication means (modem 36 and telephone lines 35 shown on Fig. 2) and saving the reader information onto a computer readable medium organized by at least one predefined patrol record (see col. 4, lines 54-61; col. 6, line 50 to col. 7, line 6; and col. 8, line 44 to col. 9, line 8).

As to claim 6, Dividock et al. also disclose the reader information formatted into the predefined patrol records being displayed in a form used to efficiently monitor and evaluate guard patrols (see col. 8, lines 1-40).

As to claim 7, Dividock et al. also disclose a data processing system for monitoring and evaluating guard patrols of one or more sited comprising: a central computer device (central computer 25 shown on Fig. 8); a device (a portable data collector 15 shown on Fig. 1) for

Art Unit: 2857

gathering information obtained from one or more checkpoints during a guard patrol of one or more sites; a detection system for detecting when gathered information is ready for downloading into the central computer device (see col. 4, lines 20-42 and col. 6, line 63 to col. 7, line 20); and a system for downloading the gathered information into the central computing device (downloading cradle 20 shown on Fig. 2).

As to claim 8, Dividock et al. also disclose gathering information automatically reads information from checkpoints (see col. 6, lines 4-43).

As to claim 9, Dividock et al. also disclose device of touch memory buttons (see Figs 4 and 5; col. 6, lines 4-43; and col. 7, lines 7-52).

As to claim 10, Dividock et al. also disclose detection system for detecting when gathered information is ready for downloading into the central computing device (see col. 4, lines 20-42 and col. 6, line 44 to col. 7, line 5).

As to claim 11, Dividock et al. disclose a downloader coupled to the central computing device by a communication system selected from the group consisting of electrical cables, telephone lines, cellular transmission, and the Internet (see col. 6, line 50 to col. 7, line 6).

As to claims 2, 3, 12, and 13, Dividock et al. also disclose the checkpoints being comprised of touch memory buttons assigned to information about items selected from the group of officers, incidents, commands, and locations (see Figs. 4-6 and col. 7, lines 7-67).

As to claim 14, Dividock et al. also disclose the central computing device detecting unassigned memory buttons causing the data processing system to request that the memory button be assigned to patrol information (see col. 7, lines 53-67).

As to claims 17, and 18, Dividock et al. also disclose a computer program product for use with a data processing system for monitoring and evaluating guard patrols of one or more sites, the computer program product comprising: a computer usable medium (central computer 25 shown on Fig. 8) having computer readable program code means embodied in the medium (a portable data collector 15 shown on Fig. 1) for gathering information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 4, lines 20-42 and col. 6, lines 4-43); the computer usable medium having computer readable program code means embodied in the medium for detecting when the gathered information is ready to be downloaded into the data processing system (see col. 4, lines 20-42 and col. 6, line 44 to col. 7, line 6); and the computer usable medium having computer readable program code means embodied in the medium (downloading cradle 20 shown on Fig. 2) for downloading the gathered information into the data processing system (see col. 4, lines 20-42 and col. 6, line 44 to col. 7, line 6).

As to claim 19, Dividock et al. also disclose information selected from the group consisting of officer checkpoints, incident checkpoints, location checkpoints, clients, facilities, groups and locations (see Figs. 4-6 and col. 7, lines 7-67).

As to claim 20, Dividock et al. also disclose displaying at least one patrol detail record on a display in a hierarchical organization comprised of one or more nodes simplifying review of at least one patrol detail record (see Figs 3-6; col. 4, lines 43-53; and col. 9, lines 1-8).

As to claim 21, Dividock et al. disclose computer program product being comprised of computer readable program code means that are modular thereby allowing the computer readable program code means to be individually replaced without modification to other existing computer

Art Unit: 2857

readable program code means that make up the computer program product (see col. 4, lines 20-42 and col. 6, line 63 to col. 7, line 6).

As to claims 22 and 28, Dividock et al. also disclose printing one or more reports to a printer of the information obtained from one or more checkpoints during a guard patrol (see col. 4, lines 20-42 and col. 8, lines 1-40).

As to claim 23, Dividock et al. also disclose the reports being comprised of predetermined default information relating to the guard patrol (see col. 4, lines 54-61 and col. 8, line 44 to col. 9, line 8).

As to claims 24 and 25, Dividock et al. also disclose selecting information specifically determined by a user of the computer program product (see col. 9, lines 29-33).

As to claim 26, Dividock et al. do not disclose expressly reports comprising customized cover sheets.

It is, however, considered inherent that Dividock et al. adds customized cover sheets (see Fig. 3 and col. 8, lines 1-14), because a central computer providing a printer to generate customized cover sheets is known to be necessary in order to provide chronological, management, and exception reports, for audit compliance with assigned floor inspection tours and for statistical analysis of hazards (see Dividock et al. Abstract, lines 20-23).

As to claims 27 and 29, Dividock et al. also disclose a computer program product for use with a data processing system for independently downloading information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 6, lines 44-62).

As to claim 35, Dividock et al. also disclose a downloader having a reader port that detects placement of a reader within the reader port in which the downloader identifies the

Art Unit: 2857

specific type of reader detected and the downloader implements the proper communication protocol for the specific type of reader to download the gathered information to the central computing device (see col. 4, lines 20-42; col. 6, line 44 to col. 7, line 5; and col. 7, lines 21-32).

### ***Response to Arguments***

4. Applicant's arguments filed 10/15/2002 have been fully considered but they are not persuasive.

Applicants argue that the cited portion of Dividock'255, "portable data collector 15 includes a touch probe 33 that is adapted to read the encoded information from a position marker button 5", does not describe a computerized method including the step of reading said information upon detection and that the computer system of Dividock'255 does not detect when the obtained information is available so therefore can not read information upon detection. The Examiner disagrees with Applicants. As set forth above, Dividock et al. do disclose a computerized (central computer 25 shown on Fig. 3) method of monitoring and evaluating guard patrols of one or more sites (business location #1 70A, business location #2 70B, and business location #3 70C shown on Fig. 3) (see Abstract, lines 1-23; col. 4, lines 48-61; col. 5, lines 10-18; col. 6, lines 4-33; and col. 8, line 15 to col. 9, line 8). In addition, Dividock et al. also disclose reading the information upon detection and storing the information within at least one patrol detail record (see col. 3, line 59 to col. 4, line 9; col. 4, lines 26-28; col. 6, lines 34-43; and col. 10, lines 51-55).



Art Unit: 2857

Applicants argue that Dividock et al. do not disclose a downloader senses that a reader has been inserted with the downloader. The Examiner disagrees with Applicants, As set forth above, Dividock et al. do disclose a downloader senses (LED display 34 shown on Fig. 2).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., insert detection) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, "It would be possible to arrange to call out from the downloading cradle through the modem, the **transfer being initiated by placement of the portable data collector in the cradle**. Preferably, however, the unit goes into an auto-answer mode at that stage and awaits polling from the central computer" that described at page 7, lines 1-5 of Dividock et al.'s reference, has exactly met the feature of Applicants' specification, "The insert detection feature allows a user to insert touch button reader 24 into downloader 16 to **initiate the downloading process**" that described at page 33, paragraph 2.

Applicants argue that nowhere in Dividock'255 does the issue arise of unassigned memory buttons causing the data processing system to request assignment to patrol information. The Examiner disagrees with Applicants. As set forth above, Dividock et al. do disclose detecting unassigned memory buttons causing the data processing system to request that the memory button be assigned to patrol information (see col. 7, lines 53-67).

Applicants argue that no computer readable program code means being discloses in Dividock'255 related to detection of information ready for downloading. The Examiner

· Art Unit: 2857

disagrees with Applicants. As set forth above, Dividock et al. do disclose computer readable program code means to detection of information ready for downloading (see col. 4, lines 20-42 and col. 6, line 44 to col. 7, line 6).

Applicants argue that Dividock et al. do not disclose displaying at least one patrol detail record on a display in a hierarchical organization comprised of one or more nodes simplifying review of at least one patrol detail record. The Examiner disagrees with Applicants. As set forth above, Dividock et al. do disclose displaying at least one patrol detail record on a display in a hierarchical organization comprised of one or more nodes simplifying review of at least one patrol detail record (see Figs 3-6; col. 4, lines 43-53; and col. 9, lines 1-8. Software provided in the central computer includes lookup tables that cross-reference the digital code of each button with the corresponding appropriate information, e.g., either persons' names, physical locations where buttons are fixedly mounted, and exception conditions provided on the menu sheet).

Applicants argue that no selected information options being disclosed. The Examiner disagrees with Applicants. As set forth above, Dividock et al. do disclose selected information options (see col. 9, lines 29-33).

Applicants argue that Dividock et al. only disclose printing out information and not displaying. The Examiner disagrees with Applicants. As set forth above, Dividock et al. not only disclose printing out information but also displaying information (see col. 8, lines 1-40; If either the handshaking protocol or the data transfer is unsuccessful for any reason, central computer 25 notes this exception in memory (shown generally at 94). The computer may try again one or more times, and/or may display or print an appropriate warning such that the next morning the program manager may intervene to ascertain the reason for the failure and correct it).

Art Unit: 2857

Applicants argue that Dividock et al. do not disclose a computer program product for use with a data processing system for independently downloading information obtained from one or more checkpoints during a guard patrol of one or more sites. The Examiner disagrees with Applicants. As set forth above, Dividock et al. do disclose a computer program product for use with a data processing system for independently downloading information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 6, lines 44-62; Touch probe 33 is sized and shaped to be seated in a corresponding receptacle 38 on cradle 20, and to be in data communication with cradle 20. Central computer 25 may comprise any of the well known, laptop or desktop personal computers, or any general purpose mainframe computer, programmed to communicate via telephone lines 35, with cradle 20. Cradle 20 can likewise contain a processor, for example with firmware and RAM for operating the code sensor and for managing data storage and communications).

Applicants argue that Dividock et al. do not disclose a downloader having a reader port that detects placement of a reader within the reader port in which the downloader identifies the specific type of reader detected and the downloader implements the proper communication protocol for the specific type of reader to download the gathered information to the central computing device. The Examiner disagrees with Applicants. As set forth above, Dividock et al. also disclose a downloader having a reader port that detects placement of a reader within the reader port in which the downloader identifies the specific type of reader detected and the downloader implements the proper communication protocol for the specific type of reader to download the gathered information to the central computing device (see col. 4, lines 20-42; col. 6, line 44 to col. 7, line 5; and col. 7, lines 21-32. Each button 5 is associated with a different

Art Unit: 2857

hazard situation so that when touch probe 33 is placed against a particular button 5, an indication of the hazard associated with that particular button is entered in the memory of portable data collector 15).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a

Art Unit: 2857

general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

11/26/02

